

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 14683-AD15-1026-045

IN THE MATTER OF: )  
 )  
INSURANCE PRODUCER LICENSE )  
APPLICATION OF: )  
 )  
Teresa Whitthorne )  
2914 Wolfgang Dr )  
Indianapolis, IN 46239 )  
 )  
Type of Agency Action: Enforcement )

**FILED**

JUN 23 2016

STATE OF INDIANA  
DEPT. OF INSURANCE

---

**FINAL ORDER**

On May 12, 2016, the Administrative Law Judge, Reuben B. Hill, filed his Findings of Fact, Conclusions of Law and Recommended Order in the above-captioned matter.

1. The Department served Findings of Fact, Conclusions of law, and Recommended Order and Notice of Filing Recommended Order on Respondent by mailing the same to her address of record.

2. The Department has complied with the notice requirements of Ind. Code §4-21.5-3-17.

3. Neither party has filed an objection with the Commissioner regarding the Administrative Law Judge's Findings of Fact, Conclusions of Law and Recommended Order, and more than eighteen (18) days have elapsed.

Therefore, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Order and issues the following Final Order:

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. The refusal to issue Applicant's Indiana Producer License is affirmed.

Under Ind. Code §4-21.5-5-5, Respondent has the right to appeal this Final Order by filing a petition for Judicial review in the appropriate court within thirty (30) days.

ALL OF WHICH IS ORDERED by the Commissioner this 23 day of June, 2016.

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Copies to:

Teresa Whitthorne  
2914 Wolfgang Dr  
Indianapolis, IN 46239

Brigitte Collier, Attorney  
Indiana Department of Insurance  
311 W. Washington St., Suite 300  
Indianapolis, IN 46204

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 14683-AD15-1026-045

IN THE MATTER OF:

INSURANCE PRODUCER LICENSE  
APPLICATION OF:

Teresa Whitthorne  
2914 Wolfgang Dr  
Indianapolis, IN 46239

Type of Agency Action: Enforcement

**FILED**

MAY 12 2016

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND RECOMMENDED ORDER**

Administrative Law Judge Reuben B. Hill, having considered and reviewed all of the evidence, will now render a decision in the matter of Applicant Teresa Whitthorne ("Applicant"). This matter came to be heard by Judge Reuben B. Hill, on December 3, 2015 at 12:00 p.m. at the Indiana Department of Insurance.

The Enforcement Division of the Indiana Department of Insurance ("Department") was represented by counsel, Brigitte Collier. Applicant appeared in person and without legal counsel. Evidence was heard and exhibits were received into evidence.

Judge Reuben B. Hill held the Order in this proceeding so that Applicant could expunge her record; the Applicant has ceased communication with the Department. Based upon the evidence presented at said hearing, the Administrative Law Judge now makes the following Findings of Fact, Conclusions of Law, and issues the Recommended Order.

## FINDINGS OF FACT

1. Applicant submitted an application for an Indiana resident producer's license on October 14, 2015.
2. On November 9, 2015, the Department filed its "Preliminary Administrative Order and Notice of License Denial" ("the Order").
3. Service of process was completed via the United States Mail in compliance with the statute and due process requirements.
4. The Order noted that on the application, the Applicant disclosed that she had been convicted of two (2) felony convictions; a January 07, 2002 conviction of Possession of a Controlled Substance, a Class D Felony, and a September 08, 2004 conviction of Theft; Receiving Stolen Property, a Class D Felony.
5. Citing Indiana Code § 27-1-15.6-12(b)(6) the Applicant's producer license application was denied due to having been convicted of two (2) felonies.
6. The Order further notified the Applicant that should she wish for a review of the decision, she must notify the Department within sixty-three (63) days.
7. The Applicant notified the Department that she wished to have a hearing on the matter.
8. A hearing was conducted on December 3, 2015 with the Applicant present in person and without legal counsel and the Department represented by attorney Brigitte Collier.
9. During the hearing, the Applicant admitted to having been convicted of two (2) felonies for Possession of a Controlled Substance and Theft; Receiving Stolen Property.

10. The Department entered into evidence State Exhibits 1 and 2 as copies of Applicant's chronology case summary of her two felony criminal convictions for Possession of a Controlled Substance and Theft; Receiving Stolen.

11. Applicant entered into evidence severally exhibits consisting of character reference letters from employers and colleagues.

12. The Department then requested that the Court take judicial notice of Indiana Code § 27-1-15.6-12(b)(6), which states that the Commissioner may refuse to issue a producer's license for having been convicted of a felony.

### CONCLUSIONS OF LAW

1. The Commissioner of Insurance has jurisdiction over both the subject matter and the parties to this action.

2. This hearing was held in compliance with the Administrative Orders and Procedures Act of the Indiana Code.

3. Indiana Code § 27-1-15.6-12(b) states that the Commissioner may deny a license application due to a number of factors.

4. Specifically Indiana Code § 27-1-15.6-12(b)(6) states that the Commissioner may refuse to issue a producer's license for having been convicted of a felony.

5. Indiana Code § 4-21.5-5-14(a) places the burden of demonstrating the invalidity of the agency action upon the party requesting the judicial review.

6. Indiana Code § 4-21.5-5-14(d)(1) requires that the party seeking judicial review must show the agency action was "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law."

7. Applicant's convictions of felony Possession of a Controlled Substance and felony Theft; Receiving Stolen warrant license denial under Indiana Code § 27-1-15.6-12(b)(6).

8. Findings of Fact that can be adopted as a Conclusion of Law are hereby incorporated herein as such.

**RECOMMENDED ORDER**

With the Findings of Fact and the Conclusions of Law as stated, the Administrative Law Judge now recommends to the Commissioner of Insurance the following:

1. That the refusal to issue Applicant's Indiana Producer License be affirmed.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 12<sup>th</sup> day of May, 2016.



Reuben B. Hill  
Administrative Law Judge

Distribution:

Teresa Whitthorne  
2914 Wolfgang Dr  
Indianapolis, IN 46239

Brigitte Collier, Attorney  
Indiana Department of Insurance  
311 W. Washington St., Suite 300  
Indianapolis, IN 46204

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

Cause No.: 14683-AD15-1026-045

IN THE MATTER OF: )  
 )  
INSURANCE PRODUCER LICENSE )  
APPLICATION OF: )  
 )  
Teresa Whitthorne, )  
2914 Wolfgang Dr )  
Indianapolis, IN 46239 )

**FILED**

NOV 09 2015

STATE OF INDIANA  
DEPT. OF INSURANCE

**PRELIMINARY ADMINISTRATIVE ORDER**  
**AND NOTICE OF LICENSE DENIAL**

The Indiana Department of Insurance, pursuant to the Indiana Administrative Act, Indiana Code §4-21.5-1 *et seq.* and Indiana Code §27-1-15.6-12, hereby gives notice to Teresa Whitthorne (“Applicant”) of the following Administrative Order:

1. Applicant filed an application for licensure with the Commissioner of the Indiana Department of Insurance (“Commissioner”) on October 14, 2015.
2. Before approving an application, the Commissioner must find that the applicant has met specific requirements under Indiana Code §27-1-15.6-6 and Indiana Code §27-1-15.6-12.
3. Indiana Code §27-1-15.6-12(b) provides, in part, that the Commissioner may refuse to issue or renew an insurance producer license for having been convicted of a felony.
4. Following a review of materials submitted by Applicant in support of her application, the Commissioner being fully advised, now hereby notifies Applicant that she has not fully met the requirements of licensure as stated by Indiana Code §27-1-15.6-12 due to her January 07, 2002 conviction of Possession of a Controlled Substance, a Class D Felony, and her September 08, 2004 conviction of Theft; Receiving Stolen Property, a Class D Felony.

5. Pursuant to 18 USCS § 1033, Federal Violent Crime Control and Law Enforcement Act of 1994, an individual who has a felony conviction involving dishonesty or a breach of trust is not eligible to participate in the business of insurance.
6. Indiana Code §27-1-15.6-12(d) provides that the applicant or licensee may, not more than sixty-three (63) days after notice of denial of the applicant's application or non renewal of the licensee's license is mailed, make written demand to the commissioner for a hearing before the commissioner to determine the reasonableness of the commissioner's action.

**IT IS THEREFORE ORDERED** that the Applicant's request for licensure is hereby DENIED pursuant to Indiana Code §27-1-15.6-12(b).

11-9-15  
Date Signed

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution:

Teresa Whitthorne  
2914 Wolfgang Dr  
Indianapolis, IN 46239

Calla Dain, Insurance Investigator  
Indiana Department of Insurance  
311 W. Washington St., Suite 103  
Indianapolis, IN 46204  
317 234-8687, fax 317 234-2103

**Certified Mail Receipt: 91 7190 0005 2720 0050 9304**